



**Members Present:**

Dave Browning, Mayor  
Dennis Lipp, Vice-Mayor  
Ryan Liang, Council Member  
Dr. J. William Louda, Council Member

**Members Absent:**

Ron Jarriel, Council Member

**Others Attending:**

Dr. Irv Rosenbaum, Interim Town Manager (NCS)  
Matthew Lippman, Interim Town Clerk (NCS)  
Michelle Kantor, Interim Assistant Town Clerk (NCS)  
Mike Cirullo., Esq., Town Attorney  
Members of the Public

**Others Absent:**

None

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**1. – 4.      Call to Order/Roll Call/Pledge of Allegiance/Invocation**

Mayor Browning called the meeting to order at 7:01p.m. He then requested the roll call by Town Clerk Matthew Lippman who noted that Councilman Jarriel was not present. Upon completion of the roll, Mayor Browning requested everyone stand for the Pledge of Allegiance and Invocation.

Mayor Browning moved to Item #5.

**5.      Approval of Agenda**

**Vice-Mayor Lipp made a MOTION to approve the amended Agenda, SECONDED by Councilman Liang and discussion was then opened:**

Vice-Mayor Lipp said I would like to make two additions, one being that we have the Board of County Commissioners who will be holding a hearing on July 21, 2009 on adopting or rejecting the Grand Jury Report dealing with corruption in PBC and I would like to add an Agenda Item tonight on the discussion of that and on having the Town's Attorney draft a Resolution so we can present it to the Board that day. He said I would also like to make a text change to the Financial Advisory Committee title an change it to Financial Advisory & Audit Committee so they can meet with the Town's auditors.

Mayor Browning requested the addition of an Agenda Item to discuss the Western Communities Meeting he had attended.

Town Clerk Lippman reordered the Agenda to reflect the changes.

**The MOTION passed unanimously 4-0, with Councilman Jarriel absent..**

Mayor Browning moved to Item #6.

**CONSENT AGENDA:**

6. **Town Council Meeting Minutes (5-19-09, 6-2-09, 6-16-09)**
7. **Inter-local Agreement with Palm Beach County for School Zone Flashing Lights**

**Vice-Mayor Lipp MOTIONED to approve the Consent Agenda, SECONDED by Councilman Louda and the Motion passed unanimously 4-0, with Councilman Jarriel absent.**

Mayor Browning moved to Item #8.

**REGULAR AGENDA:**

8. **Town of Loxahatchee Groves Financial Audit (FY 2007-2008)**

Town Clerk Lippman said we have completed our '07-'08 Audit.

**Nestor Cabelleros, Town Auditor-** introduced himself and said I am here to present the Financial Audit. He explained a two page letter was submitted along with the audit that was prepared according to the government standards and there were no disagreements with Town Management. He then explained the corrections from the first report issued to the report just handed out to the Council at the meeting. He went over the current year recommendations on Page 34 of the report and the prior year recommendations on Page 35 of the report. He noted they repeated the recommendation of putting together a Policy and Procedures Manual from the previous year.

Vice-Mayor Lipp asked NCS to incorporate the Enterprise Funds on the next draft of the Budget but said I do recommend the Local Gas Tax being separated out and he noted on Solid Waste he didn't know if it was necessary to separate that out.

Town Clerk Lippman responded I will get with Nestor on that.

Vice-Mayor Lipp said on the recommendation that was not followed through, we are getting ready to change courses here, and asked about the Manual.

Town Manager Dr. Rosenbaum responded we have everything in place, we just need to consolidate it.

Town Clerk Lippman said by July 21, 2009 you will have a basic template that is used for other municipalities.

Mr. Caballeros said if you write something now, it might not apply to the new operations, so you need to work with the new management company. He said because once you put something in place we have to comply with that.

Town Manager Dr. Rosenbaum suggested using it as a base.

Town Clerk Lippman said don't adopt it officially, but you will have a starting point.

Councilman Louda said on setting up the separate funds, I wouldn't mind seeing it separately because don't we have an uncollected Solid Waste Fund.

Town Clerk Lippman responded you have the dollar amount which is set to spend over a year in Solid Waste Services, but when you determine your rate, you buffer yourself for non-collection, administrative costs, and other miscellaneous factors. He said most of the time you are going to collect 90% of what you were projecting yourself from the revenues. He said Solid Waste is a set cost from the County and is sent to Waste Pro, so we don't have any say in setting that.

Councilman Louda asked on the Local Option Gas Tax would it be advantageous to split the 5 cent and the 6 cent because they are used for separate things.

Town Clerk Lippman said I will get with Nestor on that, but I think you can do it with one and as long as you track it with your software you would be fine, but that would also be up to your new management team.

Town Manager Dr. Rosenbaum said sometimes it is a good idea for the Public to see.

Councilman Liang said for the Policy and Procedures Manual you might want to have the FAC help with that also.

Vice-Mayor Lipp said they can work with the draft.

**Councilman Louda MOTIONED to approve the '07-'08 Audit, SECONDED by Councilman Liang and discussion was then continued:**

Mayor Browning asked for comments from the Public.

**Lung Chu, 3270 B Road-** said I really appreciate the Vice-Mayor's comment earlier today about the title of the FAC, because it was brought to our attention that State Law calls for that. He

then addressed Mr. Cabelleros and said the FAC Committee would like to work with you. He said it is a perfect time to make use of our committee to address a lot of the issues brought forth by the Grand Jury Report.

**The Motion passed unanimously 4-0, with Councilman Jarriel absent.**

Mr. Cabelleros said to add something to the Audit Committee side, we need to meet once that is passed because there are certain standards we are required to follow and we are required to meet with them at the beginning of the audit and again at the end, so we need to get a copy of that so we can plan accordingly. He said we need to get that before we start the '09 Audit.

Mayor Browning moved to Item #9.

**9. Short List of Submittals for RFP 2009-003 (Town Management Services)**

Town Clerk Lippman said on June 30, 2009 we received six submittals for RFP 2009-003-Town Management Services. He said typically with a RFP I indicate how many firms we are going to short list too and in this case I didn't do that, so at this time I am looking for direction from the Town Council on how many firms do you want to short list, and I would recommend to short list to 4 firms. He said also Councilman Jarriel sent me his rankings by email so I have those when you get to the short lists.

Vice-Mayor Lipp asked if a first choice would be numbered 1.

Town Clerk Lippman responded that is correct.

Councilman Louda said we need to short list to two because the other four are not qualified. He said I only found two in here that meet our Town Charter.

**Councilman Louda MOTIONED to short list to the two qualified firms because of their qualifications being in line with the Charter, and there was no SECOND.**

**The MOTION died due to lack of a SECOND.**

**Vice-Mayor Lipp MOTIONED to short list to the three firms, SECONDED by Councilman Liang and the Motion passed 3-1, with Councilman Jarriel absent, and Councilman Louda opposed.**

Vice-Mayor Lipp noted that he thought we should shortlist to three because if two of the three weren't able to work it out then we could fall back on the LGWCD for interim services.

Town Clerk Lippman handed out the score sheets and instructed the Council to rank the firm's 1-6 with 1 being their 1st choice and said the top three firms with the lowest scores will be considered. He also noted please date and sign your form.

Town Clerk Lippman then entered into record the top three scoring firms as follows"

1. William Underwood-11 votes total
2. Frank Spence-11 votes total
3. LGWCD-18 votes total

Town Clerk Lippman said he would notify the three selected firms and ask them to present to the Council at the next meeting on Tuesday, July 21, 2009 at 6pm.

**Councilman Liang MOTIONED to short list to the three firms, SECONDED by Vice-Mayor Lipp and the Motion passed 3-1, with Councilman Jarriel absent, and Councilman Louda opposed.**

Councilman Louda said I have to say nay-personal bias.

Mayor Browning moved to Item #10.

#### **10. Addendum to New Community Strategies Management Contract**

Town Attorney Cirullo said this is the agreement that you discussed at your last meeting and you had directed the Mayor to meet with NCS and come up with a reasonable financial package to wrap up the Management of the Town by NCS to conclude on July 22, 2009. He said this provides for the additional work to close out the contract. He said the contract will officially end at 11:59pm on July 22, 2009.

**Councilman Louda MOTIONED to approve the Addendum to NCS Contract, SECONDED by Councilman Vice-Mayor Lipp and discussion was then opened:**

Vice-Mayor Lipp said on Exhibit A, I was at the meeting and I didn't know who Chris was and asked did someone from the FAC ask that the NCS Finance Director be there.

Town Clerk Lippman responded it was a decision by management due to the level and nature of the questions that had been asked and Town Manager Dr. Rosenbaum said I thought it would be a good idea to bring a person with expertise in.

Mayor Browning said it was talked about at our last meeting and he said he was going to bring someone in other than Matthew.

Councilman Louda said yeah.

Vice-Mayor Lipp said through July 21, 2009, it says any additional committee meetings and asked Town Attorney Cirullo if NCS had to attend these meetings.

Town Attorney Cirullo responded there has to be minutes taken and recorded and filed with the Clerk of the Town and said how those are done is your prerogative, but it is typically done by the Clerk and if the Board is going to designate to be responsible, the main thing is Sunshine perspective.

Vice-Mayor Lipp said I think there is enough horse power on the committee in the Town with the people who attend these that they could take the notes and record it.

Town Attorney Cirullo said I don't attend the meetings and my concern would be that all of the elements of the Sunshine Law would be complied with, that the meeting is noticed and open and that all the conversations take place in the meeting and not side conversations before the meeting or after. He said typically there is a Town Clerk or Town Manager attending in the absence of the Town Attorney to make sure those elements are complied with.

Vice-Mayor Lipp said Councilman Liang is the designee from the Town Council to attend and we have a Chair and a Vice-Chair. He said my feeling is we don't need to drive Matthew up here for a 5pm meeting.

Town Clerk Lippman said I appreciate the concern, but if you listen to the audio from the last two meetings and you listen to the amount of times I talked it is excessive and I was asked a lot of questions. He said if Town Staff is not there then there would be a lot of follow up.

Councilman Louda said I think with this type of committee we definitely need Town Staff attending, this is an ongoing thing and when I listened to the tapes there were a lot of questions asked and that would all have to be follow up which could retract from the day job. He said maybe in the future when we get a new management team we have that written in there. He said but I believe someone involved in the day to day running of the Town has to be at these meetings if this committee is going to continue.

Councilman Liang said one suggestion would be if there are meetings where there are a lot of questions that the committee has for Staff, then we would ask for the Staff to be there to answer the questions and those times where there aren't a lot of questions and they just want to have discussion between the committee then Staff wouldn't have to be there.

Mayor Browning said my only concern is we are going to a new management team and are we going to set up a precedent where we do not offer staff, because I don't understand how that works and if you have questions and there is no one there to answer them, somebody has to answer them sometime and to line up and say we have 50 questions we need answered as a result of our meeting, I don't think that is very efficient. He said understand we can choose a committee, but we are the ones elected and responsible because if something happens-it is our butts that are on the line and that is why we hire management teams that we trust and let them run this and I want to be really careful micromanaging anything. He said I would be giving a management team a really good ease out if I said the FAC will make all the decisions and then if something goes wrong, they are not responsible-we are. He said so I want to caution this and I think it is important to keep everything the same way. He said and with the Sunshine I think it is important that we have Staff there because one of us can be there but not two of us. He said and I think it could be every dangerous and that is my thought. He said the \$8000.00 they came up with is in line with everyone else who has come in here and they have already shown us they are working almost 4x the hours, and we are giving them the extra money for a month. He said I am glad they didn't try to lay us away with a lot more than that. He said we are right at the end and we need to make this transition as smooth as possible.

Councilman Louda said NCS has gone way above and beyond and any week they could have said we are up to our contractual obligation in hours and guess what it is only Tuesday morning.

Councilman Liang said with Chris from NCS I know it was brought up at the Town Meeting but I think it should have been noticed with the FAC. He said I believe if you are bringing someone into the meeting, and especially since the Town is paying for them, we should be able to say if we want them there.

Town Manager Dr. Rosenbaum asked do you not want Chris tomorrow night.

Councilman Liang responded I don't think so.

Mayor Browning asked is that a Council decision or is that the Committee decision.

Town Manager Dr. Rosenbaum said I attended that last meeting and some of the questions that Chris answered Matthew and I couldn't have answered because we don't do that every day. He asked it was a good outcome, would you agree with that.

Councilman Liang responded well that was the only outcome and we would have preferred to have the Auditor there.

Town Manager Dr. Rosenbaum responded the Auditor doesn't work for me.

Mayor Browning said to include an Auditor they are not going to work for free.

Town Clerk Lippman said when you get to the decision on how you want this committee to be named in structure, one of the things that I will let you know is that even though the Auditor will be required to meet with you, that was not built into the original contract, because there was no FAC Committee then, and there will be an increased fee in services to the Town. He said it was Irv and I's decision as a management team that it was necessary for our Financial Director Chris to be there, because the level of questions and the understanding that was needed for this committee to feel comfortable with how we did the Finances and how we approached them, so it was our decision and we felt it was a very good educational opportunity. He said Chris Wallace runs the Finances for our company and oversees what I do day to day, so we felt it was a good opportunity, especially with the understanding of the Statutory Requirement of Auditing that was brought to the table, and I sincerely hope that the knowledge and advantage that was brought by him being there, does not outweigh the \$600.00 tab for the one-time expense of him being there. He said I would think that the amount of money spent was well worth it and since it was a one-time deal, it was a great advantage.

Town Attorney Cirullo said originally it is the Council's decision and you can provide that no one goes unless the Council authorizes it. He said the bottom line is that they need to be comfortable knowing when they send somebody it is properly directed.

Mayor Browning said if this Council feels it is important to have a Staff Member there then I think that is the way the Chain of Command goes. He said I don't want the FAC and the Audit Committee feel like we are stepping on anyone's toes, but if we feel something is necessary then we need to make that decision and if they don't want it they can let us know and we will make a decision accordingly, but I think we are the ones elected to do it and we need to be very careful that we protect ourselves and the homeowners and landowners of Loxahatchee Groves.

Councilman Liang said I agree with you and maybe I should rephrase it that the committees can make the request and we can either approve or deny it, whether it is having Staff there or someone else. He said but they would be able to put in a request.

Mayor Browning said I guess I just want to be careful. He said if I had my choice in having Mike stay home every meeting, we would save a lot but it is important he is there to cover us. He said personally I think it is important that Staff is there.

Councilman Louda said we have one Council Member at these committee meetings who can't speak for the whole Council, but the Staff has the opportunity to speak on what the Council (entire) has directed.

Mayor Browning asked for comments from the Public.

**Lung Chu, 3270 B Road-** said thank you for your interest in debating the issue. He said the contract for management expires on July 22, 2009 and your Advisory Committee should be working with you to help you out and for the past 30 years I have worked with Audit Committees and this is the 1st time I have heard this conversation. He said although we are working for you, remember we are working for ourselves also. He said when we get a new management firm it should be understood they will work with the FAC. He said I wouldn't worry about a few more thousand dollars, we have paid much more before. He said if they provide services we ought to pay that but when we get a new management team this shouldn't happen again and we should work as a team.

**Philomena Liang, 3270 B Road-** said it is after the fact and it is almost the end of the journey and we appreciate the work you have done, but for the just for the future we engage them as a management team and just like our legal counsel if we have a constitutional question they are not going to bring in a constitutional person to answer and I don't think we should have to pay extra for a question he needs to answer for the Council. She said for the record I think it is part of their expertise to be provided.

**The Motion passed unanimously 4-0 with Councilman Jarriel absent.**

Mayor Browning moved to Item #11.

**11. Finance Advisory Committee Meeting (Councilman Liang)**

Councilman Liang said the FAC Meeting had been held on Friday, June 19, 2009. He said Elise Ryan and Lung Chu had quite a few questions and Matt Lippman was able to answer them.

**Elise Ryan, 3508 A Road-Chair of FAC-** said most of what I was going to say can be moved to Agenda Item #13 tonight. She said I did want to clarify something on what we just approved, and that is the Audit Consultation Fee on the invoice says monthly, and asked if this was just a one- time fee.

Town Clerk Lippman responded yes, one time.



Mayor Browning moved to Item #12.

**12. Resolution 2009-012 (2009-2010 Solid Waste Assessment)**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES AND FACILITIES AND PROGRAMS ("SOLID WASTE COLLECTION SERVICES") IN THE TOWN OF LOXAHATCHEE GROVES, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE FOR THE SOLID WASTE COLLECTION SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Town Attorney Cirullo conducted the reading of Resolution 2009-012-(2009-2010 Solid Waste Assessment). He explained you have to adopt this Resolution to compose your annual Special Assessment for Solid Waste Services and it sets the table for the ultimate approval in September, and you are required to have a Public Hearing and that is setting your Public Hearing for Monday, September 14, 2009 at 6:45pm at the LGWCD. He said it is my understanding that the rates are the same as they were last year.

**Councilman Liang MOTIONED to approve Resolution 2009-012 (2009-2010 Solid Waste Assessment), SECONDED by Councilman Louda and discussion was then opened:**

Councilman Louda commented the \$372.73 per unit, I brought this up last time, I think that ought to go to \$383.42 per unit, adding \$10.69 per unit, to pay for the Town's trash consultant- that I didn't want to hire in the first place-Frank Schiola. He said I don't think the general tax payer fund should pay for his function as garbage guru.

Vice-Mayor Lipp noted on Page 4 of the contract, it says under Solid Waste Collection Services defined in Section 109 and said I don't think we have ever had an Ordinance with 109 sections.

Town Attorney Cirullo said we will correct that to get the right Section of the Ordinance. He said with your consent when you pass this, we will correct that.

Vice-Mayor Lipp said I had emailed Matthew on tying in the number that we put in Appendix A with the number in our Budget and Matthew responded to me where the numbers were different. He asked how many properties are we talking about.

Town Clerk Lippman responded 1123 so that will be fixed.

Councilman Louda said that was the figure I had used in my calculations.

**The Motion passed unanimously 3-1, with Councilman Jarriel absent, and with Councilman Louda opposed.**

Councilman Louda noted I am opposed because we are going forward without the raise, so I hope everyone realizes that \$12,000.00 is being paid out of General Funds to have someone go out and look at garbage.

Mayor Browning moved to Item #13.

**13. Preliminary FY 2009-2010 Budget**

Town Clerk Lippman said you have the 2nd Draft of the '09-'10 Budget and this was discussed thoroughly at the FAC meeting and I also had the opportunity to work with Elise Ryan on this, but there are still some a couple of minor things that need to be tweaked. He said you have until September 10, 2009 to adopt the Budget, and unless anything comes out of the ordinary, I think we are there. He said with that said we can't move forward without you as the Town Council giving us some direction. He said I think you would rather Budget for the number and not use it, then to have something unexpected. He said as you have heard we lowered the millage and your unrestricted reserves are very health, but the policy decision for you all is do you need to have a contingency. He said one thing I would caution you, is you don't want to lower the millage too much because when you have to raise it back up, no one is going to remember that and they will say you all raised taxes. He said to lower the millage to 1.4, is an accomplishment that no other municipality can say that they are doing, so you should be proud of the fact that you run a great Town and have done a great job. He said and next year you can probably remain at a 1.4, while the property values drop another 25%, which is a sense is lowering the property taxes again, and the people of this Town would have lower property taxes again for the 4th year in a row. He said I would caution going below 1.4, which means your contingency is a little bit higher but you don't have to spend it, you can keep it in reserves. He said I have done some background research as far as a credit line to the Town, similar to what Clete is doing for the LGWCD. He said I have that set up to give to the next management team. He said I need some guidance, we are at a point where I believe that the FAC and Town Staff are at a standstill. He said it is going to come down to planning and zoning. He said I budgeted a little higher amount thinking you were going to have a planning firm in place by December. He said and the other thing is. my thoughts are if you are going to go through the opportunity to spend the time and energy to draft a ULDC that is specifically tailored to your Town, once you adopt that and PBC is done with us, you are going to have to do some pro activity with Code Enforcement. He said what I am telling you flat out, is if you have your own code, it will either sit on the bookshelf, or you will have to go out there and make sure people in this Town are adhering to this less restrictive code that you feel is relevant to the Town. He said so in that Budget is a decision by the Town, should you want to put some extra money into Code Enforcement. He said and the contract is coming up in a couple of months and we discussed last year when Dennis brought it up, going out for bid every 2 years for contracts to make sure you are getting the right price. He said you have 60 days, but while we are here and we are the ones who wrote the Budget, we can guide you through this process after you provide us with some direction.

Vice-Mayor Lipp said we just approved a flashing school light for up to \$12,000.00 in Consent Agenda Item #7, and after meeting with Jeff Maxwell today, part of what the County is going to want to know is how much are we willing to kick in for a traffic light at F Road and Okeechobee and I think we need to be able to say for a traffic light in our Town, we need to be able to have the money to help put a traffic light up. He said I would even go as far to say, maybe we need to hold at 1.5 another year. He said now we have meet the F Road traffic warrant study that F Road will warrant a traffic signal. He said I agree with Matthew on the Code Enforcement thing.

Town Manager Dr. Rosenbaum said if you remember we talked about a Public Improvement Fund, and setting aside money every year for that, because you have some things that come up. He said that is another thing for you to consider for the Budget.

Councilman Louda asked are we projecting \$193,000.00 in contingency.

Town Clerk Lippman responded yes and I want to add one thing, there has been an improved rate hike for FPL, and I anticipate that the FPL revenue will go up and probably put the contingency at about \$200,000.00.

Councilman Louda said I would definitely mirror what Dennis said about keeping a contingency. He said Dennis mentioned not using the gas tax money for the traffic light and asked could we even use it for that. He asked if the money in the Budget for Code Enforcement included Special Magistrate. He said Cindy Corum had gone around and talked to other municipalities about what they paid for Special Magistrate and compared us and I don't get it.

Town Clerk Lippman said we had a very good conversation in the FAC about other alternatives to save this Town money and one was a Code Enforcement Board that would eliminate the need for Special Magistrate and would decrease the cost to the Town. He said we all came to consensus that you bid out Code Enforcement and get a better price.

Councilman Louda asked if a Code Enforcement Board would be made up residents and is it legally binding.

Town Attorney Cirullo responded yes, but the Statute calls for your Town Attorney to work with the Board, so there will be legal fees there. He said and in terms of how often you would need to meet, we would wait to see what happens with your new code.

Councilman Liang said I would like to see us decide on how high a reserve the Town would like to keep.

Vice-Mayor Lipp said one of the things I found interesting is that Chris from NCS said for a Town our size, 50% is probably about right because we are small. He said having been through three hurricanes in three years, I know it is expensive. He said and I think someone from the FAC was checking into how much the hauling would be so we would have a number.

Town Manager Dr. Rosenbaum said you have to match the Staff time with cash. He said so cash really becomes very necessary when you have a storm.

Mayor Browning said I think it is important to keep a healthy contingency especially right now. He said we are going to drop our taxes but at the same time because the value of the homes are going down, our tax base will be going down. He said I like what Irv said where we might have the opportunity to do something really great for the community and we wouldn't have to go out and borrow money to do it. He said I remember how long it took the LGWCD to get paid back from FEMA. He said I don't want to reduce the contingency down.

Town Clerk Lippman asked is it fair to say moving forward in future discussions with the FAC, you would like to keep the millage at 1.4 and keep the contingency where it is at and how it is being presented right now.

Vice-Mayor Lipp said I think Matthew brings up excellent points and I have had members of the community ask me if we are ever going to go back to Anonymous complaints and the people I have spoke to about this said because of migrant labor camps that are not being pointed out. He said this overloads our septic systems with 15 people living in one place instead of the family that is supposed to be living there. He said people are scared to come forward because of the fear of retaliation. He said so I think maybe we need to boost it, but we really need to have a good discussion amongst ourselves and to talk about it as an Agenda Item and get Public input about whether or not to open the floodgates to Anonymous complaints. He said with the new ULDC we will have to have some education and I like the new A Frame signs.

Councilman Louda said I absolutely agree with Dennis, especially on the need to get back to Anonymous complaints or some way to do it that can be cheaply and quickly verified, so we can eliminate the nothing complaints.

Vice-Mayor Lipp noted there is a member of the CERT Team who has her certification in Codes and she might want to bid for this.

Councilman Louda said I would hate to see the opening of the floodgates happening. He said I get a lot of calls asking if I can report things for people and I say no. He said if you keep the budget in there, if it is in there you can use it but if it is not in there then you have to reshuffle.

Town Clerk Lippman said I think what we need to do is give direction to go out for bid for Code Enforcement because Calvin-Giordano's contract is up in September 2009.

Councilman Liang said the only concern I have is a committee to offset the costs of Special Magistrate, the people on that committee if they make a judgment that upsets people, I would be concerned about that.

Mayor Browning said I have always been an advocate of Anonymous. He said I think everyone wants peace and I get calls that things are wrong but the people don't want to step up and complain because they want to get along peacefully with their neighbors. He said I think our new code and policies will help and be much more practical and user friendly and will help. He said but I am for leaving it in there, that is still an unknown. He said we stopped the Anonymous because of the floodgate, but that doesn't mean the problems went away, that just meant people quit reporting, and as Dennis said there are people out there living in the woods and people abusing their property, and those are things we are going to have to deal with while at the same time protecting those who have been out here and historically are doing what we have always done in Loxahatchee Groves.

Town Clerk Lippman said one last thing, with the code we are under right now there is a lot of illegal and with the new code it will be less but you need to have a mechanism to make sure that it is not going on in your community. He said thank you, that gives me

good direction. He said with planning and zoning in this Town, we work with Calvin-Giordano and Mellgren who both run PB and Z Departments and have two different approaches. He said one costs a little more to the Town up front, and one costs nothing to the Town up front. He said if you end up picking the most qualified firm and you have to spend some money to get it started and the rest is cost recovery, you need to consider that.

Mayor Browning said I wouldn't mind you divide the difference and take the number between the two and use that for Budgeting purposes.

Mayor Browning asked for comments from the Public.

**Elise Ryan, 3508 A Road-** said I think it has been a really good discussion and I wanted to make sure that we explain what we are providing for you with a contingency reserve. She said we really looked at '08-'09 to make sure we had a true forecast until end of the year. She said you've got something new on your Budget where it shows you your balance and we are saying at the end of the year you will have \$1.1 million in your reserves. She said and there is a footnote that \$150,000.00 of that will be left over gas tax reserves. She said I am not sure if there is confusion on the Town Council about what the contingency is, but when you move to '10 it is treated a little bit differently because contingency is treated as an expense, so that is going to be your excess. She said so basically that is money that you are not going to spend and you would put into reserve and you probably won't need that. She said as far as the traffic light is concerned you are going to have the \$150,000.00 plus the gas tax revenue you are going to have next year will be about \$350,000.00 which you will be able to use part of that for the traffic light. She said I think we are at a point right now where at the beginning we didn't know what our expenses were because we were a new Town, so it was fine to have money left over on line items, but now as we move forward we know what our expenses are. She said on the planning and zoning I think the difference on the approach is you can as the Town pay someone to do it, or the other would be the firm does it for the same fees. She said so if you go with the second approach the line item would be \$0.00. She said I asked why and what is really the difference and why we would want to pay a firm when we really don't need to, but if we do that the fees which the applicants would pay would be lower. She said so do you want us to budget that the Town will subsidize from these applicant fees. She said I think Mellgren does it that way. She said on the contingency, as far as the remainder of the balance, we want to decide what is that for. She said the hurricane event is the obvious one and we really need to look at that and see how much we have spent hauling debris out of Loxahatchee Groves in the past and we need to know that and it is a big item.

Vice-Mayor Lipp said as you are doing your research on that, Hurricane Andrew is the biggest storm that has ever hit Florida and I think we should find out from Miami-Dade County Officials what it costs to haul away 5,000 homes.

Mayor Browning said we have an advantage that our Town doesn't own anything like our Town Hall, but we want to make sure we protect for our residents and to rebuild them.

**Cindy Corum, 2452 C Road-** said I had thought we should do away with the Special Magistrate and save a lot of money and was in favor of a Code Board, but as I spoke to other towns I found out that the smaller towns had discontinued their Code Boards, and

it was pretty much what Ryan said, they felt that people were very uncomfortable fining their neighbors and finding them not in compliance, so a lot of them disbanded their Citizen Code Boards because they wanted someone from the outside, who was objective. She said they said it worked better in large towns where people didn't know each other and they also said that the Special Magistrate is supposed to come in blind and objective and not have prior knowledge of the cases and asked is that correct.

Town Attorney Cirullo responded they sit as a judge. He said I currently serve as Special Magistrate for several cities and yes, the only thing I see ahead of time is a docket. He said usually what happens is you get your docket which lists the cases, the code sections and the responses. He said usually there is no prior discussion unless it is an extraordinary case involving cases that involve other attorneys. He said as a hearing officer, I prefer to walk in cold and have it presented to me there and then deal with the issues. He said and also I don't live in any of the cities that I serve on the Magistrate and our firm doesn't do any work with those cities, as well, to keep that separation.

Ms. Corum said I have asked other Towns their costs on these cases and they said around \$250.00 and ours are like \$1800.00 per session, and part of the billing is this pre work of reviewing cases and the other Towns say this pre work she shouldn't be doing.

Town Clerk Lippman responded they don't.

Ms. Corum said and our Town Attorney has been billing a lot of hours for going over the cases with Town Staff and Special Magistrate. She said so I tend to differ with you on that Matthew.

Town Clerk Lippman said the goal you provided us with and we will discuss tomorrow night at the FAC Meeting is hopefully by the 21st or in a couple of week, this budget will be approved and then the only thing that could change is if you go out for bid for Code Enforcement, you might make some adjustments with the rate. He said other than that I am really looking to leave you in good hands with a Budget that can be implemented in September.

Mayor Browning said personally I would like to add one thing I don't think is in there and that is a line item for CERT.

Town Clerk Lippman responded it is and I will label it differently, if you look under Other Operating Expenses, I budgeted \$5000.00 under Executive, and it is labeled equipment for Town and we don't need any equipment for the Town so we will re-label the line item we will adjust for CERT.

Mayor Browning said I just want to see it a little bit clearer, because that is one operation out here that strictly serves the community and the Town and we've got a great bunch of volunteers and I would really want to equip them with that. He noted if we had a volunteer fire department, we would be buying them all their equipment.

Town Clerk Lippman noted I will add that in there.

Councilman Louda noted don't forget to add in what Irv said about using contingency for management funds or grants.

Town Manager Dr. Rosenbaum said there are lots of different things to keep in mind with the grants.

Mayor Browning said there might be a time when we would have the ability to acquire a piece of land to build some type of reservoir and that could be rather costly and I would rather have something there than to tap out of nothing.

Town Clerk Lippman said I want to thank you for your direction and I think you provided some really good comments tonight and I also want to thank Elise Ryan for taking her time to meet with me to get a better understanding of the Budget, so if there are any questions once we leave she will be able to help filling in.

Mayor Browning said I think that is great and will help with this transition.

Town Clerk Lippman added anything with the Budget I will make sure she is aware of so she can communicate with the new team and give some direction.

Mayor Browning moved to Item #13a. (after a break from 8:52pm-8:55pm)

**ADDITION OF AGENDA ITEM 13A-PALM BEACH COUNTY GRAND JURY REPORT**

Town Attorney Cirullo said Vice-Mayor Lipp had asked we put this on the Agenda tonight for Council consideration. He said the Grand Jury has issued a report for PBC after an investigation of the governance of the County and the report contains several different sections with recommendations for additional oversight and investigatory powers both within the County governance and in the County as a whole, and it is my understanding that there is a County Commission Meeting on the 21st of July, and in discussions with Vice-Mayor Lipp, I prepared a proposed Resolution for the Council's consideration to endorse the recommendations of the report.

Vice-Mayor Lipp asked has anyone on the Council read this. He said Matthew has a highlighted copy that he can forward to everyone. He said Commissioner Santamaria had a meeting on this and had the Assistant District Attorney there. He said the primary take a ways from this are he said I am going to be there and if we decide to pass this and the Mayor could be there, that would be great. He said I think if we decide to pass this tonight we need to send it out to the other 37 municipalities.

**Resolution 2009-013 (Palm Beach County Grand Jury Report)**

A RESOLUTION OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ACKNOWLEDGING THE MAY 21, 2009, REPORT OF THE FIFTEENTH JUDICIAL CIRCUIT GRAND JURY ON THE INVESTIGATION OF PALM BEACH COUNTY GOVERNANCE AND PUBLIC CORRUPTION ISSUES; AGREEING WITH THE FINDINGS AND RECOMMENDATIONS OF THE REPORT; URGING SPECIFICALLY FOR THE CREATION BY THE PALM BEACH COUNTY COMMISSION OF A COUNTY-WIDE CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE AND AN INDEPENDENT OFFICE OF INSPECTOR GENERAL OR CHIEF COMPLIANCE OFFICER WITH THE ABILITY TO OBTAIN RECORDS FROM ALL PALM BEACH COUNTY GOVERNMENTAL ENTITIES FUNDED IN WHOLE OR IN PART WITH COUNTY TAX DOLLARS AND OF A FUNDING MECHANISM FOR SUCH OFFICE; DIRECTING THAT A COPY OF THIS RESOLUTION BE PROVIDED TO THE CHAIR OF THE BOARD OF PALM BEACH COUNTY COMMISSIONERS, AND THE PALM BEACH COUNTY LEAGUE OF CITIES; PROVIDING FOR AN EFFECTIVE DATE.

**Vice-Mayor Lipp MOTIONED to approve the reading of Resolution 2009-013-Palm Beach County Grand Jury Report into the record, SECONDED by Councilman Louda and the Motion passed unanimously 4-0, with Councilman Jarriel absent.**

Town Attorney Cirullo read the following Resolution 2009-013-Palm Beach County Grand Jury Report. He noted it was not part of the Agenda Packet and was handed out separately on the dais.

**Vice-Mayor Lipp MOTIONED to approve the Resolution 2009-013-Palm Beach County Grand Jury Report, SECONDED by Councilman Liang and discussion was then continued:**

Councilman Louda said I have a problem voting on something I haven't read and asked Town Attorney Cirullo, do you see any downsides on this.

Town Attorney Cirullo responded from a legal perspective no. He said this is more of a statement of policy than any legal action.

Councilman Louda said if we had gotten this in time to have read the report.

Vice-Mayor Lipp said Commissioner Santamaria said it will probably skate through. He said the implementation of it is in the details and the Palms West Chamber of Commerce said they are sending a letter supporting the findings.

Mayor Browning asked for comments from the Public.

**Lung Chu, 3270 B Road-** (He spoke but the recording was very hard to understand).

Vice-Mayor Lipp said we are all paying millions of dollars a year in excess interest because of the way the County

**The Motion passed unanimously 4-0, with Councilman Jarriel absent.**

Town Clerk Lippman asked it did include the ability for me to transmit this to all 37 municipalities.

Mayor Browning responded yes.

Mayor Browning moved to Item #13b.

**ADDITION OF AGENDA ITEM 13B-DISCUSSION OF FINANCIAL ADVISORY COMMITTEE'S TITLE**

Town Attorney Cirullo said the Vice-Mayor had asked for this to be put on the Agenda to discuss the title of the FAC for the ability to review other matters.



Vice-Mayor Lipp said at the last FAC meeting, Chris from NCS pointed out that a Finance Advisory Committee can't meet with the Auditors because it is not in their title.

Town Attorney Cirullo said the Statute contemplates that the FAC is an audit selection committee, as well, and it allows for them to select the Auditors. He said if that is not what you intend to do, I suggest you direct us to bring back to you at the next meeting what needs to be done to provide the necessary authority for the FAC to have the authority to consult with and work with the auditor. He said it may be something simple like just revising your Resolution. He said it is my understanding it is not the Vice-Mayor's suggestion to delegate selection of the Auditor to the FAC, that would stay with the Council.

Vice-Mayor Lipp said it just seems if we have an FAC that is going to be in existence they really need to be able to meet with and talk to the Auditor.

**Vice-Mayor Lipp MOTIONED to direct the Town Attorney to revise the FAC Resolution to include Audit consultation with the Auditor, but to keep the selection of the Auditor with the Town Council, SECONDED by Councilman Liang and discussion was then continued:**

Mayor Browning asked for comments from the Public.

**Elise Ryan, 3508 A Road-** said I have some background on the Statute that I want you to consider and if you want to follow the guidelines and actually select the Auditor yourself, it will be a process you have to go through because the purpose is to keep the two functions independent, and that is one of the things that was addressed in the comments from the prior year Audit. She said you can certainly do it yourselves or if you feel you don't have the time, you can delegate the selection of the Auditor if you would like. She said Florida Statute 218 391 requires that the governing board of each municipality establish an Audit Committee. She said the GFOA recommended practices states that this committee is to function independently of Town Management. She said according to the guidelines prepared by the Auditor Selection Task Force of the State of Florida, the primary role of the Audit Committee is to assist in the selection of an Auditor, that is the purpose of changing so we would assist in the selection of the Auditor, so you would not have to do that. She said we would be assisting you in doing that.

Ms. Ryan then read the rest of the Statute.

**Lung Chu, 3270 B Road-** said the Audit Committee should follow the State Statutes.

Town Attorney Cirullo asked is the agreement up this year for the Auditor.

Town Clerk Lippman said the way the agreement was passed by the old Council, it is a 5year agreement that you are bound to f3 years and then the last 2 years you can renew each year. He said they did the '06-'07 Audit and they just completed the '07-'08 Audit and then when they do the '08-'09 Audit, which is coming up, then you will have to discuss the opportunity should you want to go out for bid for Year 4 and Year 5, you can do that. He asked is the Audit Committee is by State Statute selective or is that going to come back to the governing body.

Town Attorney Cirullo responded I will get a final say on that.

Town Clerk Lippman asked the Council if they want the Resolution written as Vice-Mayor Lipp had suggested or according to State Statute.

Vice-Mayor Lipp responded I had not read the State Statutes but I think if we could just put in there that the Town Council is the final decision of who the Auditor will be.

**The Motion passed unanimously 4-0, with Councilman Jarriel absent.**

Mayor Browning moved to Item #13c.

**ADDITION OF AGENDA ITEM 13C-WESTERN COMMUNITIES MEETING  
REPORT BY MAYOR BROWNING**

Mayor Browning said we had the opportunity to go to the Western Communities Council Meeting and they learned a lot with Hurricane Katrina and several other storms and the highlight of the night was when I told them we were from the Town of Loxahatchee Groves, they are in love with Ken and Pat Johnson, and they said our CERT team is a shining example of what a Community team should be and thanked them.

Mayor Browning moved to Item #14.

**14. Purchase of 800 MHz Radio for Town Emergency Operations Center**

Town Clerk Lippman said I know at the last meeting you approved an agreement between the Town and the PBC to go on their operable frequency system. He said when I think we just need one radio and the expenditure would be \$1277.00 and PBC Emergency Operations Center will program the radio free of charge.

Councilman Louda discussed the possible need for the purchase of 2 radios.

**Councilman Louda MOTIONED to approve the expenditure of \$1277.00 for 1 800MHz Radio for the Town's EOC, SECONDED by Vice-Mayor Lipp and discussion was then continued:**

Mayor Browning asked for comments from the Public.

**Pat Johnson, 15409 Collecting Canal Road, CERT-** said Ken and I attended the EOA 3 Drill and we are trained on those radios. She said they are for CERT to report to the Town and the Town would use the radio or they can also use WEB EOC. She said so it is just another avenue for communication. She said we would have the 800 radio and the HAM radio at the Town EOC. She said it is easy to use.

Mayor Browning said maybe in a year or two we could consider getting another one, but I think one radio will suffice.

**The Motion passed unanimously 4-0, with Councilman Jarriel absent.**

Mayor Browning moved to Item #15.

**15. Environmental Regulations Re-Draft**

Town Clerk Lippman said we had an excellent Workshop with the ERM Stakeholder group on Saturday, June 20. He said the great thing about this group is we have 5 different individuals with 5 different points of view, so it was very good and intelligent discussion and it wasn't only one sided. He said you have the 3rd draft in front of you and it has incorporated a lot of the points that were brought up in the meeting. He said the consensus of the committee is reflected in there. He said you have to decide if you are okay with drawing the line and using this as the Re-Draft or you may want the opportunity to have the Stakeholder group meet one more time in a Workshop. He said if you decide to have one more Workshop, I recommend Sandra Lee-Calvin Giordano is present to answer questions. He said if Ms. Lee attends that Workshop they are prepared to submit an additional expense proposal for that and another Re-Draft.

Vice-Mayor Lipp said I would like to go ahead and have another meeting, because we only really got to Page 5 of 10 pages, and I think Sandra Lee can run a meeting with the Stakeholders.

Councilman Liang said I would like to go a little further than that and have this Workshop but before that have another meeting with just the Stakeholders, so they can just hash out everything they want to bring up for that Workshop.

**Vice-Mayor Lipp MOTIONED to approve the expenditure from Calvin-Giordano to have another ERM Stakeholder Workshop and also to have the ERM Stakeholders meet prior to this Workshop another time, SECONDED by Councilman Louda and discussion was then continued:**

Councilman Louda said there are a few changes in here I really don't like and asked are we free to email Sandra Lee or the ERM Committee our suggestions. He said I really object to some of the changes, like changing "pursue" to "encourage", because "pursue" is an active and "encourage" is a passive. He said there is a lot of that kind of stuff in here and it leaves doors open to do whatever the hell you want to do.

Town Clerk Lippman said in the proposal that I had asked Ms. Lee to send me, it is for \$1500.00 and includes for her attendance at the Workshop and editing the ERM to reflect the feeling of the Workshop. He said to be efficient we need to give her only one set of comments. He asked who would be at this other meeting without Sandra Lee and mentioned it was subject to the Sunshine Law.

Town Attorney Cirullo said they could still meet without Sandra Lee but it would still have to be noticed and minutes recorded for the Sunshine.

Vice-Mayor Lipp said I think this is so important that we get it right and I like Councilman Liang's suggestion.

Town Attorney Cirullo clarified the next time you see this will be in an Ordinance form.

Mayor Browning asked for comments from the Public.

**Bridget Gesell Subramanya, 2926 C Road-** thanked Ms. Lee and the Council for the opportunity to review the ERM document. She said at the previous Workshop we were not able to complete the whole document and as a group member, I would like to request an opportunity to review the whole document.

**The Motion passed unanimously 4-0, with Councilman Jarriel absent.**

Mayor Browning moved to Item #8.

**16. Intergovernmental Coordination Committee Meeting (Councilman Liang)**

Councilman Liang reported on the IGC Meeting from Friday, June 19, 2009. The items he went over are listed below:

**OLD BUSINESS:**

1. **Water Conservation and Fire Suppression:** Discussion and report from meeting with PBC Fire Department

*Councilman Liang said we are still pursuing possibly getting the filter marsh and FPL really hasn't responded to us yet.*

2. **40th Street North / North Road Canal:** Discussion and update of workshop

*Councilman Liang said they are having a Workshop to have all affected members to attend and hopefully they will be there.*

3. **Federal Funding Sources:** Discussion and update

*Councilman Liang said there was nothing new about this.*

4. **Coordination of Equestrian Trails:** Discussion

*Councilman Liang said we discussed possibly linking our horse trail with The Preserve, and I mentioned that the Acreage was interested in linking their horse trail with ours.*

5. **Town / LGWCD Funding ILA's:** Discussion

*Councilman Liang said we just mentioned it is progress and we are working on that.*

**NEW BUSINESS:**

**6. Town Management/Administrative Staff Transition: Discussion**

*Councilman Liang said I won't go into details about that.*

**7. SFWMD emergency order 2009-108-DAO-WS effective May 18, 2009 (LGWCD Variance Application to the SFWMD): Discussion**

*Councilman Liang said Clete brought up possibly purchasing portable emergency operation shelters, just in case this building gets completely destroyed and we both agreed we should probably look into that and get the costs and probably purchase at least one.*

Vice-Mayor Lipp said I really appreciate Irv's leadership on this. He said you have provided some good thoughts on this and I really hope the next people can fill your shoes.

Councilman Louda said on the water conservation fire suppression and I am a little disappointed that we can't get a reply or follow up and we had a very good first meeting with Beavin Beaudet when he came down to FAU.

Town Clerk Lippman said I did hear from Mr. Beaudet and I have some dates for next week that I can email you and Clete so you can meet with him.

Councilman Louda said for those who don't know, we are looking into using reclaimed water to get some fire hydrants put out and also maybe using reclaimed water into a filter marsh with the eventual putting it into the canal. He said if it can't be done we can still get a retention pond and fill it up with reclaimed water and let it percolate. He said on the coordination of equestrian trails, still there is a large body of equestrians in this community that should come forward and tell us what they want. He said they must know that we and the LGWCD are trying to work on equestrian trails.

Mayor Browning moved to Item #17.

**17. SB 1000 Discretionary Sales Surtax for Emergency Fire Rescue Services (Councilman Liang)**

Councilman Liang said originally when I went to the LOC Meeting the draft that they had the monies that were being distributed were going to go to the municipalities or the county that generated the monies, so I was concerned that the people of Loxahatchee would be paying for fire here and also for other municipalities and that was my concern, because obviously we don't have many commercial interests here. He said but when

Matt sent in this newest draft they went back to a population based distribution so it worked out for us again.

Vice-Mayor Lipp asked if the word "not" was left out of the 1st sentence of the last paragraph.

Town Attorney Cirullo said yes, it was left out.

Mayor Browning moved to Item #18.

**18. Possible Acreage Brain Cancer Cluster (water sampling) (Councilman Louda)**

Councilman Louda said I was contacted by several of the mothers out in the Acreage about the Cancer Cluster, if it is a cluster. He said the 1988 report from Pratt Whitney shows some dioxane, but to quell some of the angst, I had to make sure that nobody is confusing that with dioxin, which was the Cancer causing agent in Agent Orange. He said I have several residents asking me if we want to get our water looked at. He said we had 10 wells done in 1995 or 1996, throughout Loxahatchee Groves, looking for all sorts of stuff and we didn't find any problems. He said I called Florida Environmental Laboratories today and it runs about \$900.00 per sample. He said we need to look at whether we want to consider having maybe 3 wells and 1 surface water done to allay some fears. He said if we do have our wells tested we would want to do it along our northern border, suspecting the flume is moving south. He said the State is involved and Senator Nelson is involved and it is up over 40 different cases in a 5 mile radius. He said they need to get an epidemiologist involved to look at what is going on, but when things pop up like this the first thing you want to look at is your water supply, especially being on a well. He asked is there any interest in going forward with the testing.

Town Clerk Lippman said should the Town Council desire to pursue this I would suggest working with Councilman Louda to come back with a formal proposal of the tests he is recommending at the next meeting.

Councilman Louda said I was going to suggest that and giving everybody time to think about it.

Vice-Mayor Lipp asked when do we expect to get the results of the testing from the Acreage.

Councilman Louda said I heard a month for just looking at the data and not the private tests.

Vice-Mayor Lipp said my only comment on it is, when tests are ordered one of the questions that always comes back is what do we do if the tests come back and are positive. He said the Division of Environmental Health does free testing. He said I would like to hear more about what is going on first.

Councilman Liang said I go along with what Dennis said and let's see what the other departments find with their testing, and if they make a finding that it is the water then we should definitely go ahead and pursue that on our part.

Mayor Browning said I agree and I think you are going to see every test that is known to man out there in the Acreage.

Councilman Louda commented I was asked by several citizens to look into this so I did.

Mayor Browning moved to Item #19.

**19. Administration Update**

**a. Marcella Blvd Culvert Repair**

Town Clerk Lippman said Clete has been helping me out in working with the contractor and the weather has been a problem, but they did communicate to me the water is flowing but the construction has not been completed yet.

**b. Land Development Regulations**

Town Clerk Lippman said we had a very good Workshop on Saturday, June 27 at Palms West Presbyterian Church. He said it was very well run and we had a lot of good feedback and we are definitely moving in a positive direction. He said I did send out a flyer to all the resident with the rest of the dates, but I want to remind everyone the next Workshop is Saturday, July 25, 2009 at 10am at the same church. He said I will also be posting the results of the questionnaires that were tabulated on the website.

**c. Okeechobee Blvd Corridor Workshop Dates**

Town Clerk Lippman said I just want to clarify that I know that Vice-Mayor Lipp brought this up and I will communicate to the new management team that this is a priority.

Councilman Louda asked for a Fireworks update.

Town Clerk Lippman responded Paul Reillo would give a report during Public Comments. He said we did have a casualty but it wasn't an animal or a person, one of the signs disappeared. He said someone stole one of the new 200lb signs.

Councilman Louda asked if the theft was reported to the police.

Town Clerk Lippman said no, because we are not sure when it disappeared.

Mayor Browning said I would go ahead and report it anyway.

Mayor Browning moved to Item #20.

**20. Public Comments**

**Marge Herzog, 966 A Road-** said first of all, I wanted to say I thought the fireworks were a great success and it shows through cooperation with businesses and other organizations within the Town, that we can have a successful endeavor. She said with the comments about the Code Enforcement complaints going back to anonymous, there have been a lot of requests by residents who are afraid of turning in because of retaliation by neighbors, so pursuing that in some way with structure would be a good idea. She said we had heard from Acts II about their property and the possibility of the Town considering purchasing that land, and it would be more advisable if we were going to purchase anything to consider purchasing the 30 acres at D Road and Okeechobee and moving all of the Town's center, the LGWCD operations, and a park to that 30 acre area. She said the owner is a man who lives in Europe and he is anxious to negotiate a sale, so it might be worth looking into. She said I attended a Florida Trail Association Meeting last night, and they are looking forward to having a hiking link through our Town, because our Town is one of the ones that has chosen that link to not be connected from south to north, so anyway we can work with getting that done would be of help.

Councilman Louda asked where is the link to the south of us.

Ms. Herzog responded I believe it is on the STAE1. She said Nelson Bailey will be at the July LGLA Meeting at Palms West Church and we are going to meet early at 6pm and there will be finger foods and drinks (non alcoholic) served.

Mayor Browning commented anyone who hasn't seen Nelson Bailey, that is a great presentation.

**John Ryan, 3508 A Road-** said I think as a Community we do need to be concerned with our resources, but I think that some of this concern that has developed in the Acreage, I am impressed with the amount of attention it has generated and I think with Senator Nelson and The Center for Disease Control, the EPA, and various doctor groups that we really ought to let those reports come in beside we decide to do something. He said I want to remind the Town Council that on the Town Management Services, the RFP that was prepared left you guys with almost a carte blanche to evaluate what you want to evaluate and how you want to approach the Town Management Services. He then read the following excerpt from the RFP:

TOWN reserves the right to reject any or all Responses, to waive any informalities or irregularities in any Responses received, to re-advertise for Responses, to award in whole or in part to one or more offers, or take any other such actions that may be deemed to be in the best interests of the TOWN.

He said so there is absolutely no legitimate claims to not consider the requests.

**Darlene Crawford, 3057 E Road-** said as a private citizen looking at doing a transition in management, I am looking at it as if it is an amicable divorce and one party decided it



wasn't working out so they need to move on, so the other party needs to find a partner so to speak and it just seems to me that jumping in and getting married to the first contractor that you find might not be a good idea because you are going to be in the contract for awhile, and if it is not a good fit....She said as far as I know the only Interim kind of proposal that has been submitted was from the LGWCD and asked if this was correct.

Town Clerk Lippman responded all of the proposals are for Town Management Services.

Councilman Louda responded all of them came with a per year price, including the LGWCD.

Ms. Crawford asked the Council what the yearly term of the new contract would be and if there could be a trial run with the new contract. She said as a citizen I want to make sure we wind up with someone that is going to be a good fit and this wouldn't be an ongoing thing.

Councilman Louda said presently it is 120 days on our end and I was going to have that in the new contract, so we should leave it the same.

Town Manager Dr. Rosenbaum said that is a good idea.

Town Clerk Lippman said right now it is 120 days on our end and 60 days on your end.

**Paul Reillo, 1222 E Road-** said first of all I want to thank the Council and Matthew for the Fireworks Campaign. He said this is significant because it demonstrates how community support can be homegrown and partnerships can be formed that are very creative and very uniting. He said certainly this issue got a lot more attention than we were expecting and not only local press but national He said we have some very absurd laws that we are living with in Florida and everybody knows this is an absurd situation as far as fireworks, and we had a loss that was noted statewide, and one of the nice things about local government is you can address this head on, and with very forthright actions you can intervene. He said I think this should be a model as to how we approach problems in the future. He said our citizens have been very successful, we have had a response from the equestrian and a local business leader-Red Barn stood up immediately in terms of finances. He said but it is just a starting point and the issue will be revisited on New Years and that is the more disturbing issue because the events happen in the middle of the night and are harder to enforce. He said we can actually enforce a lot more in this County than we are doing and that is starting with point of sale. He said the battle has to begin at the point of sale and starts with education. He said and that sign disappeared between a 3-hour window on Friday from 12-3pm and hopefully was just relocated. He said my thanks to the Council and to the Community for responding on this and let's see if we can keep it alive, because this is the sort of thing where we are going to need to visit as a timely situation, because we will see this every six months, until finally the Community does become fireworks free. He said people in the community have said this was better for the first time in years, so Thank you very much.

Mayor Browning moved to Item #21.

**21. Town Manager and Town Clerk Comments**

Town Clerk Lippman reminded everyone that the next meeting on Tuesday, July 21, 2009 would begin at 6pm and said he would let all of the short listed firms know.

Mayor Browning moved to Item #22

**22. Town Attorney Comments**

There were no comments.

Mayor Browning moved to Item #23.

**23. Town Council Member Comments**

Vice-Mayor Lipp said it's been a long day, can we go.

Councilman Liang said I just want to thank everybody for being here and sitting through this long evening.

Councilman Louda said I do want to thank the FAC and I am still evaluating how I feel about it, but I am maybe coming around the corner. He said the one response to what Mr. Ryan said about how much latitude we've got is, yes, we have a lot of choice in choosing a management team but we don't have a lot of choice by Charter. He said if we start changing how we get a management firm/person in opposition to what our Charter says, while at the same time we are trying to get our Comp Plan approved by DCA, I think we need to stay to the letter of that Town Charter when we select a management team. He said yes I think we need to get a campaign to pressure the County and the State to then how much would it cost to maybe send two deputies to every fireworks place. He said then when people come out they would ask where is your AG Certification and ticket those who don't have it. He said if they give out some of those-it's over. He thanked everyone for coming.

Mayor Browning said I want to thank everyone for coming and thank Elise and Cindy Lou for the emails and keeping us up on stuff. He said I want to thank NCS for a good audit that came out good and without any problems. He said again, congrats to the CERT Team and have a great night.

Councilman Louda said we need to get a letter to Beck Hyslop to thank him for the fireworks donation.

Town Clerk Lippman said it was on the banners but we will send a letter as well.

Mayor Browning moved to Item #24.

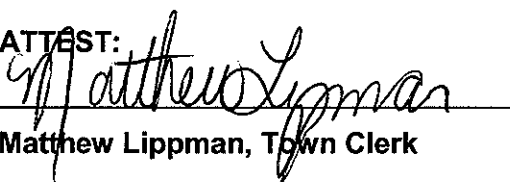
**24. Adjournment**

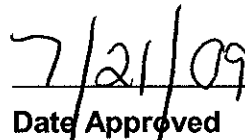
**Vice-Mayor Lipp MOTIONED to adjourn the meeting, SECONDED by Councilman Liang and the Motion passed unanimously 4-0, with Councilman Jarriel absent.**

There being no further discussion and no additional public comment the meeting was adjourned at 10:17 p.m.

  
MAYOR DAVE BROWNING

ATTEST:

  
Matthew Lippman, Town Clerk

  
Date Approved